

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BRIDGESTONE SPORTS CO., LTD.,	)	
and BRIDGESTONE GOLF, INC.,	)	
	)	C.A. No. 05-132 (JJF)
Plaintiffs,	)	
	)	
v.	)	
	)	
ACUSHNET COMPANY,	)	
	)	
Defendant.	)	

**BRIDGESTONE'S FOURTH  
NOTICE OF DEPOSITION PURSUANT TO RULE 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6), Plaintiff Bridgestone Sports Co., Ltd. ("Bridgestone") shall take the deposition upon oral examination under oath of Defendant Acushnet Company ("Acushnet") beginning at 9:00 a.m., on the 22nd day of June, 2006, and continuing from day to day until completed, in the offices of Paul, Hastings, Janofsky & Walker, LLP, 875 15th Street, NW, Washington, DC 20005, or at such other time and place as may be agreed upon by counsel. The deposition will be recorded by stenographic means and may be videotaped, and is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

In accordance with Rule 30(b)(6), Acushnet shall designate one or more officers, directors, managing agents, or other persons to testify on its behalf concerning the matters set forth in Attachment A hereto.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Leslie A. Polizoti

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Jack B. Blumenfeld (#1014)

Maryellen Noreika (#3208)

Leslie A. Polizoti (#4299)

1201 N. Market Street

P.O. Box 1347

Wilmington, DE 19801

(302) 658-9200

*Attorneys for Bridgestone Sports Co., Ltd. and  
Bridgestone Golf, Inc.*

OF COUNSEL:

Robert M. Masters

Scott M. Flicker

Eric E. Bensen

Terrance J. Wikberg

Brandon M. White

PAUL, HASTINGS, JANOFSKY & WALKER LLP

875 15th Street, NW

Washington, DC 20005

(202) 551-1700

May 30, 2006

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## **ATTACHMENT A**

Notwithstanding any definition set forth below, each word, term, or phrase used in this Notice of Deposition is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

## **DEFINITIONS**

The terms used herein are to be interpreted in accordance with the DEFINITIONS set forth in Bridgestone's First Set of Requests For Production of Documents and Things (Request Nos. 1-100).

## **MATTERS ON WHICH EXAMINATION IS REQUESTED**

With respect to defendant's Titleist® Pro V1™; Titleist® Pro V1x™; Titleist® Pro V1\*; Titleist® NXT™; Titleist® NXT Tour; Titleist® DT So/Lo (PTO So/Lo); and Pinnacle ® Exception™ products (the "Products"):

1. Annual projected sales and profits for each Product for each year that such projections were made.
2. The product plan for each Product.
3. Market research conducted or commissioned by Acushnet concerning any of the Products, any competing golf ball products manufactured by any person and/or any other golf ball products manufactured by Bridgestone.
4. The market for each Product including without limitation the identity of each of Acushnet's competitors, each competing product, competitive strengths and weaknesses of each Product and competing product and each product's market share.

5. The marketing of each Product including pricing, promotion and distribution strategies.

6. Advertising conducted by Acushnet or on Acushnet's behalf for each Product.

7. Actual sales of each Product including without limitation total sales in units and dollars and gross and net profit margins from 2000 through most recent period for which such data is available.

8. Manufacturing costs, costs of goods sold and standard costs for each Product from 2000 through the most recent period for which such data is available including without limitation how such costs are calculated.

9. Income and profit and loss for each Acushnet division or operating group responsible for manufacturing and/or marketing one or more of the Products on an annual and quarterly or monthly basis from 2000 through the most recent period for which such data is available.

10. Acushnet's capacity to manufacture each Product.

11. Acushnet's policies with respect to licensing.

12. Licenses or other agreements entered into by Acushnet that concern or cover any of the Products or any technology incorporated in or used to manufacture the Products, including any royalties received or paid by Acushnet.

13. Licenses or other agreements entered into by Acushnet concerning or involving patents relating to golf balls other than the patents-in-suit, including any royalties received or paid by Acushnet.

14. License negotiations engaged in by Acushnet that concerned golf ball related patents, but that did not result in an executed agreement.

15. Other products sold by Acushnet (or any other company whose financial statements are consolidated with those of Acushnet) and the impact of sales of the Products on sales of such other products.

16. Acushnet's relationship with its domestic and foreign distributors including without limitation any agreements with those distributors, Acushnet's sales to those distributors, Acushnet's practices with respect to those distributors concerning pricing, payment terms, returns and credits for defective or obsolete merchandise and any benefit Acushnet receives from its relationship with those distributors.

17. Technologies, if any, considered by Acushnet as alternatives to the technologies accused of infringing the patents-in-suit.

**CERTIFICATE OF SERVICE**

I, Leslie A. Polizoti, hereby certify that on May 30, 2006 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Richard L. Horowitz, Esquire  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> floor  
1313 N. Market Street  
Wilmington, DE 19801

and that on May 30, 2006 I caused copies to be served upon the following in the manner indicated:

**BY HAND**

Richard L. Horowitz, Esquire  
Potter Anderson & Corroon LLP  
1313 N. Market Street  
Wilmington, DE 19801

**BY FEDERAL EXPRESS**

Alan M. Grimaldi, Esquire  
Howrey LLP  
1299 Pennsylvania Avenue, NW  
Washington, DC 20004

/s/ Leslie A. Polizoti

Leslie A. Polizoti (#4299)  
MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
Wilmington, DE 19801  
(302) 658-9200  
[lpolizoti@mnat.com](mailto:lpolizoti@mnat.com)